



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Miriam Fields-Babineau

Serial No.: 09/736,408

Filed: December 15, 2000

For: COMFORT TRAINER
("CANINE HEAD HALTER")

Art Unit: 3644

Examiner: Smith, Kimberly

Atty Docket: 4523-001
(MFB-0001)

REQUEST TO APPROVE PROPOSED DRAWING CHANGES

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants respectfully request that the Examiner approve the changes to the drawings as indicated in red on the attached sheets. The enclosed drawing changes do not introduce new matter and the Examiner's approval of the proposed drawing changes is respectfully requested.

The Applicant will submit formal drawings upon receiving a Notice of Allowance.

Respectfully submitted,

Date: August 20, 2002

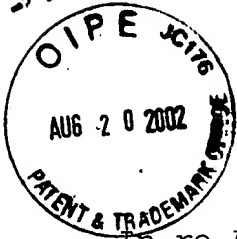
704 South 18th Street, #200
Arlington, VA 22202-2702
Telephone: (703) 271-0600
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Todd E. Marlette
Registration No. 35,269

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For: COMFORT TRAINER
("CANINE HEAD HALTER")

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(MFB-0001)

REQUEST TO ISSUE NON-FINAL OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

It is respectfully submitted that the Supplemental Response and Amendment submitted herewith place the subject application into condition for allowance. However, in the event that the Examiner does not agree, the Examiner is respectfully requested to issue a non-final Office Action, as follows:

The reference to Mugford, U.S. Patent No. D458,717 S was not available to applicants due to the issue date of June 11, 2002. However, the Mugford reference was available to the Examiner, and under information and belief, is the same party in interest as the HALTI, referenced in the Background section of the subject application.

The Examiner relies upon Borchelt by way of the Office Action dated February 8, 2002. As reported by news

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Serial No.: 09/736,408

Atty. Docket: 4523-001


organizations, Borchelt has been involved in litigation calling into question the utility of a the Borchelt invention to

effectively maintain control a dog. The Examiner is respectfully requested to consider withdrawal of the Borchelt reference for lack of utility.

In accordance with the above extra-ordinary circumstances, should a subsequent Office Action be required, the Examiner is respectfully requested to make the Office Action non-final.

Respectfully submitted,

Date: 8/22/02
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

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Serial No.: 09/736,408

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For: COMFORT TRAINER
("CANINE HEAD HALTER")

Art Unit: 3644

Examiner: Smith, Kimberly

Atty Docket: 4523-001
(MFB-0001)

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TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

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Sir:

Transmitted herewith are:

- X Supplemental Response and Amendment
- X Request to Approve Proposed Drawing Changes
- x IDS with form 1449 (2 pgs) and 18 references
- x Request to Issue Non-Final Office Action
- X check in the amount of \$ 222.00

Serial No.: 09/736,408

Atty. Docket: 4523-001



| | (Col 1) | | (Col 2) | (Col 3) | SMALL ENTITY | | OR | LARGE ENTITY | |
|--|------------------------|-------|-------------------------------|----------------------|--------------|-----------|----|--------------|---------|
| | NUMBER OF CLAIMS FILED | | HIGHEST # PREVIOUSLY PAID FOR | NOW PRESENTING EXTRA | RATE | FEE | | RATE | FEE |
| Total | 20 | minus | 20 | 0 | x 9 = | \$ 0.00 | | x 18 = | \$ 0.00 |
| Independent | 4 | minus | 3 | 1 | x 42 = | \$ 42.00 | | x 84 = | \$ 0.00 |
| ___ First Presentation, Multiple Depend Claims | | | | | +140 = | \$ 0.00 | | +280 = | \$ 0.00 |
| Petition for 1 Month Extension of Time | | | | | | \$ 0.00 | | | \$ 0.00 |
| IDS FILING FEE | | | | | | \$ 180.00 | | | \$ 0.00 |
| Filing Fee + surcharge | | | | | | \$ 0.00 | | | \$ 0.00 |
| | | | | | TOTAL | \$ 222.00 | | TOTAL | \$ 0.00 |

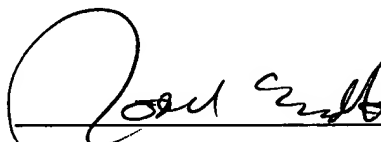
X A check in the amount of \$ \$222.00 made payable to the U.S. Patent and Trademark Office.

X It is not believed that further extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary or if the fee calculation is in error, please contact the undersigned attorney so that appropriate correction may be made.

Respectfully submitted,

Date: 8/20/02

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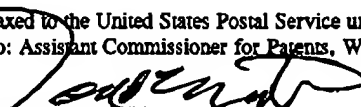
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Todd E. Marlette, Esq.

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MEMBER MICHIGAN BAR
MEMBER DISTRICT OF COLUMBIA BAR
REGISTERED PATENT ATTORNEY, U.S.P.T.O.
NOT REGISTERED IN VIRGINIA

Facsimile Cover Sheet

| | |
|-------------------------------|---|
| To: | Ms. Cofer |
| Company/Firm: | USPTO |
| Fax No.: | 703-305-7658 |
| From: | Todd E. Marlette |
| Our Ref.: | MFB-0001 (4523-001) |
| Your Ref.: | 09/736,408 |
| Date: | September 13, 2002 |
| Pages (including cover page): | 16 |
| NOTES: | <p>CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8</p> <p>I hereby certify that on 9/13/02 (date of fax), this SECOND SUPPLEMENTAL AMENDMENT DECLARATION UNDER 1.132</p> <p>is/are being faxed to the United States Postal Service under 37 C.F.R. §1.8 at the address listed above to: Assistant Commissioner for Patents, Washington, D.C. 20231, by:</p> <p> Todd E. Marlette</p> |

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